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Attorney for Plaintiff  
RANDY R. MITCHELL, D.D.S.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RANDY R. MITCHELL D.D.S.,	) Case No.: C 07-05722 CRB
	)
Plaintiff,	) STIPULATION AND <del>PROPOSED</del> ORDER
	) FOR DISMISSAL WITH PREJUDICE
vs.	)
	) No Hearing Set or Required.
	)
MINNESOTA LIFE INSURANCE	)
COMPANY, STANDARD INSURANCE	)
COMPANY, AND, DOES 1 through	)
10, inclusive,	)
	)
	)
Defendants.	)

I. STIPULATION FOR DISMISSAL WITH PREJUDICE.

Following settlement of this matter on terms that are  
confidential, each and all of the parties hereto, by and through  
their respective counsel, stipulate to the dismissal of this

entire action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), each party to bear his or its own costs, expenses and attorney fees. The parties further stipulate that this Court shall retain continuing jurisdiction over any dispute arising out of the settlement of this matter. *The parties add that there is no dispute currently and none is anticipated.*

SO STIPULATED:

Dated: March 19, 2008

/s/

WARREN H. NELSON, JR.  
A PROFESSIONAL CORPORATION  
6161 El Cajon Boulevard, # 273  
San Diego, CA 92115

Attorney for Defendants  
MINNESOTA LIFE INSURANCE COMPANY  
and STANDARD INSURANCE COMPANY

SO STIPULATED:

Dated: March 19, 2008

/s/

MICHAEL B. HORROW  
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222 N. Sepulveda Blvd, 20<sup>th</sup> Floor  
El Segundo, CA 90245

Attorney for Plaintiff  
RANDY R. MITCHELL, D.D.S.

## II. PROPOSED ORDER DISMISSING CASE WITH PREJUDICE

The Court, having considered the foregoing stipulation of the parties now dismisses this action with prejudice, each party to bear, as the case may be, his or its own fees, costs and expenses. The Court retains jurisdiction of this matter to the extent necessary to resolve any dispute among the parties arising out of the settlement of this matter and notes that the

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1 parties have represented to the Court that there is no dispute  
2 currently and none is anticipated.

3 IT IS SO ORDERED on this 21st day of March, 2008:

4  
5 CHARLES R. BREYER  
6 U. S. DISTRICT COURT JUDGE

